

## REMARKS

Claims 48-55 are currently pending in this application. Claims 1-47, 56 and 57 have been withdrawn.

Applicant acknowledges the Examiner's revised position regarding the original restriction requirement. In accordance with the Examiner's request, the features of withdrawn claims 1, 25, 56 and 57 have been inserted into the pending claims.

Accordingly, claims 48 and 50 are now independent claims.

Claims 50-51 and 54-55 have been rejected under 35 U.S.C. 102(b) as anticipated by Jordan et al. (U.S. Patent No. 4,842,593 ("the '593 patent")). This ground of rejection is respectfully traversed.

In order to advance the prosecution of this application, but without conceding the correctness of this rejection, claims 50-51 and 54-55 have now been canceled without prejudice.

Claims 48-49 and 52-53 stand rejected under 35 U.S.C. 103(a) as being obvious over the '593 patent in view of Mesek et al. (U.S. Patent No. 3,683,916 ("the '916 patent")). This ground of rejection is also traversed.

The Examiner acknowledges that the '593 patent does not teach or suggest a composition comprising an anionic surfactant attached to the topsheet of an absorbent article such as a diaper. However, the Examiner also states that the '916 patent teaches the use of a wetting agent, such as an anionic surfactant, for treating a diaper topsheet. The Examiner concludes that it would be obvious to use the anionic surfactant of the '916 patent in the diaper of the '593 patent to arrive at the present invention. Applicant strongly disagrees with this conclusion.

It is applicant's position that one skilled in the art would not be motivated to use an anionic surfactant in the absorbent articles described in the '593 patent for the following reasons. The '593 patent lists numerous antimicrobial agents which could be used in diaper topsheets. Some of these antimicrobial agents could possibly be described as cationic (biguanide), and therefore capable of forming a noncovalent bond with an anionic surfactant. However, other listed antimicrobial agents include those capable of covalent bonding, as well as metal salts such as metal halides. Others, such as the

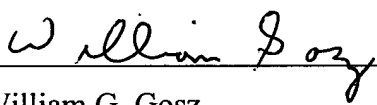
sulfonates and phenols, can only be evaluated in terms of their binding capacity with other molecules on a case-by-case basis. See Col. 11 of the '593 patent.

In other words, one skilled in the art would have to specifically select the biguanides from a list of potential surfactants in order to choose the one which would be operable according to the present invention, i.e. one which would form a noncovalent bond and permit release of the antimicrobial agent to achieve the appropriate level of disinfection. However, the reference provides no basis for making such a selection. There is no disclosure in the reference that would lead one skilled in the art to conclude that biguanides would form noncovalent bonds with an anionic surfactant as claimed in the present invention. Accordingly, one skilled in the art would not be motivated to make the substitution proposed by the Examiner.

In view of the aforementioned facts and reasons, the present application is now believed to overcome the remaining rejections in this application, and to be in proper condition for allowance. Entry of the foregoing amendment, and reconsideration and withdrawal of the rejections, is respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below to discuss any matter pertaining to the status of this application.

Dated: 12/23/05

Respectfully submitted,

  
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William G. Gosz

Reg. No. 27,787  
Attorney for Applicant  
Tel No. 781-863-1116